

APPLICANT(S): WEINBERGER, Yoav  
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### **REMARKS**

The present response is intended to be fully responsive to all points of objection and/or rejection raised by the Examiner and is believed to place the application in condition for allowance. Favorable reconsideration and allowance of the application is respectfully requested.

Applicants assert that the present invention is new, non-obvious and useful. Prompt consideration and allowance of the claims is respectfully requested.

### **Status of Claims**

Claims 21-34, 36-48 and 51 are pending in the application. Claims 38-42 have been objected to. Claims 21-34, 36, 37, 43-48 and 51 have been rejected. Claims 21-23, 32, 34, 38-42 have been amended.

Claims 1-20, 35, 49, 50 have been canceled without prejudice or disclaimer. In making this cancellation without prejudice, Applicants reserve all rights in these claims to file divisional and/or continuation patent applications.

Applicants respectfully assert that the amendments to the claims add no new matter.

### **Allowable Subject Matter**

In the Office Action, the Examiner stated that claims 38-42 would be allowable if rewritten in independent form including all the limitations of the base claim and any intervening claims.

Applicant gratefully acknowledges the allowable claims and reserves the right to rewrite these claims in independent form at a later time.

### **The Telephone Interview**

Initially, Applicants wish to thank the Examiner, Troy Chambers, for granting and attending the telephone interview, with Applicants' Representative, Guy Yonay, Reg. No.

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52,388 on August 22, 2008. In the interview, claim 21 was discussed, specifically how the prominence is connected to the follower and how it is claimed. No agreement was reached.

### **Claim Rejections**

#### **35 U.S.C. § 102 Rejections**

In the Office Action, the Examiner rejected claims 21-34, 36, 37, 43-48 and 51 under 35 U.S.C. § 102(b), as being anticipated by US 784,786 (Gottardi), US 4,831,761 (Kulakov), US 5,291,679 (Wollak) and US 5,309,660 (Blackmore). Applicants respectfully traverse this rejection in view of the remarks that follow.

US 784,786 (Gottardi) describes a magazine with a plurality of indicator pins located in the wall of the cartridge, each placed against the anticipated position of a cartridge, so that when a cartridge is positioned adjacent the corresponding indicator pin that indicator pin protrudes from the magazine wall. The indicators in Gottardi's invention are not connected to the follower, nor protrude from it.

US 4,831,761 (Kulakov) describes a telescopically extendable magazine with a tensioning cord that is capable of partially compressing a section of the spring inside the magazine. This facilitates convenient loading of ammunition, as it reduces the counter-force of the spring that acts against the loaded cartridges. Kulakov does not teach or describe any loading status indicator.

US 5,291,679 (Wollak) discloses a magazine with an indicator member attached to the follower. The indicator member is a flexible strand (line 43, col. 2) with knots. Wollack defines "knots" as "knots, knobs, beads, slots, holes and other configurations that can be sensed by touch" (lines 43-46, col. 2). Wollack's indicator serves to indicate the exact number of cartridges inside the magazine, the more it is filled with cartridges the longer the portion of the flexible strand that extends below the cartridge. By touching the strand and counting the knots one can determine the number of cartridges inside the magazine. Applicant believes this is a problematic indicator, as when the magazine is full or nearly full with cartridges the strand dangles outside the magazine and may be entangled on the user's belt or be otherwise caught and be pulled inadvertently, interfering with the follower's operation and resulting in malfunctioning of the magazine. This may even result in preventing the gun in which the

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magazine is placed from firing, as the follower may not provide enough pressure to haul the top cartridge into the barrel of the gun when the strand is pulled or held.

US 5,309,660 (Blackmore) discloses a magazine with a key that can lock the follower at predetermined positions within the magazine, easing the loading of cartridges. Blackmore does not disclose or teach an indicator of any kind that indicates the filling status of the magazine (i.e. the number of cartridges inside) in general, nor an indicator to indicate that the magazine is fully loaded or that one or more cartridges are missing, as described in the present application.

None of the references cited by the examiner describe or teach a magazine with an indicator that includes "a prominence coupled to and protruding from the follower", for indicating "one of two indication states", where "in one indication state the indicator protrudes outside a bottom wall of the housing and in another indication state the indicator does not protrude outside the bottom wall of the housing", and wherein "one of the indication states corresponds to a state where the magazine is in a full condition, that is when it is filled with bullets up to a maximal capacity, and another indication state corresponding to a state where at least one bullet is missing with respect to the full condition", as claimed in amended independent claim 21.

Applicant believes that the word "connected" in independent claim 21 was proper, but has changed the word "connected" to "coupled" to emphasis the physical binding between the prominence and the follower, as opposed to mere cooperation between the follower and the indicator (for example in Gottardi's invention).

In order to anticipate a claim a reference must include all the limitations of that claim, therefore Applicant maintains that the references cited by the Examiner do not anticipate amended independent claim 21.

Therefore, Applicant asserts that amended independent claim 21 is allowable.

Claims 22-34, 36-48 and 51 all depend, directly or indirectly, from amended independent claim 21 and therefore include all the limitations of that claim. Therefore Applicant asserts that claims 22-34, 36-48 and 51 are allowable too.

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Accordingly, Applicants respectfully request that the Examiner withdraw the rejections to amended independent claim 21 and to claims 22-34, 36, 37, 43-48 and 51 dependent thereon.

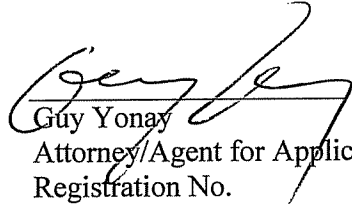
Applicants respectfully request reconsideration and withdrawal of the rejections of claims 21-34, 36, 37, 43-48 and 51.

In view of the foregoing amendments and remarks, the pending claims are deemed to be allowable. Their favorable reconsideration and allowance is respectfully requested.

Should the Examiner have any question or comment as to the form, content or entry of this Amendment, the Examiner is requested to contact the undersigned at the telephone number below. Similarly, if there are any further issues yet to be resolved to advance the prosecution of this application to issue, the Examiner is requested to telephone the undersigned counsel.

Please charge any fees associated with this paper to deposit account No. 50-3355.

Respectfully submitted,

  
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